

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

8 November 2006

AUTHOR/S: Chief Executive/ Deputy Monitoring Officer

CASE TRIBUNAL REPORTS AND REFERENCES MADE TO ETHICAL STANDARDS OFFICERS

Purpose

1. To update members on the progress of cases which have been referred to the Standards Board for England (SBE) and cases which have now been completed by the SBE.

Background

2. At the last meeting of the Standards Committee the committee agreed that in future there should be a written report on this item giving the relevant SBE case reference numbers.

Completed Investigations

3. The following cases have now been completed by the SBE since the last meeting of the Committee. Where a summary of the facts has been given this has been taken directly from the case summary issued by the Ethical Standards Officer (ESO), which is published on the Standards Board website:

SBE14231.06

Allegation: A member had improperly sought to influence a decision in which he had a prejudicial interest

4. A district councillor had referred his own conduct to the SBE to clarify whether he had failed to comply with the Code of Conduct. The councillor had sought an amendment to what he believed were the inaccurate minutes of a council meeting. The minutes were amended but the councillor sought a further amendment as he still believed they did not accurately reflect the authority's decision. The councillor had not attended the meeting in question as he was deemed to have a prejudicial interest in the matters being discussed. The council did not think that seeking to ensure that the minutes were accurate could be improper even if he had a prejudicial interest in the matters discussed in the minutes.
5. The ESO considered that the councillor did have a prejudicial interest in the matters discussed at the meeting but noted that there was a big difference between improperly seeking to influence a decision and questioning whether a decision had been accurately recorded. The ESO did not consider that the councillor had improperly sought to influence a decision by challenging the accuracy of the minutes
6. **Outcome:** The ESO found no evidence of any failure to comply with the Code of Conduct

SBE14831.06

Allegation – A district council member failed to treat others with respect

7. It was alleged that the councillor failed to treat a planning officer with respect at a public meeting organised by a parish council in September 2005 and at a meeting of officers and members at the district council in September 2005.
8. The parish council meeting had been organised to discuss a major planning application on which the officer was working as the lead officer. The district councillor allegedly tried to publicly humiliate the officer by asking for information that the officer had already said she was trying to address at that time. The councillor also allegedly implied that the officer was unable to use a ruler, because she declined to transpose some dimensions from plans into real terms.
9. At the district council meeting the following day the councillor allegedly said that he did not think the officer was capable of being the lead officer on the project.
10. The ESO was unable to determine whether the councillor made the alleged comment about the officer being unable to use a ruler but considered that the councillor's conduct at the public meeting reflected his frustration that the officer was unwilling to address certain matters. The ESO concluded that, in the circumstances, the councillor's conduct at the public meeting did not amount to disrespectful conduct.
11. However, the ESO considered that the councillor's comment at the other meeting was disrespectful to the officer. The ESO considered that it was inappropriate for the councillor to express his views about the officer in a meeting of officers and members.
12. **Outcome:** The ESO took all the circumstances into account and found that no action needs to be taken in relation to these matters.

SBE 15616.06, SBE15617.06, SBE 15618.06 and SBE15619.06

13. These cases were reported at the last meeting of the Committee. They involved allegations against the Chairman of a Parish Councillor and three parish councillors relating to the management of a parish council meeting and its transaction of business, including whether meetings were quorate. The SBE decided that the incidents were procedural matters for the council itself to consider rather than matters that should be dealt with against an individual member under the Code of Conduct and decided that the matter should not be investigated further.
14. The complainant sought a review of the SBE decision not to refer the complaint against the four parish councillors for investigation. The case was reviewed by the SBE and it was considered that the case was handled correctly and the final decision was reasonable.

SBE 15854.06

15. The complainant sought a review of the SBE decision not to refer this complaint for investigation. The case was reviewed by the SBE and it was considered that the case was handled correctly and the final decision was reasonable.

Ongoing Investigations

SBE 14151.06 & SBE 14880.06

16. These allegations against a district councillor are still being investigated by an ESO and no report has yet been issued.

Background Papers: the following background papers were used in the preparation of this report:

Standards Board for England case summaries

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